

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

**ORDER**

Presently before the court is plaintiff Montgomery Carl Akers' motion to reconsider the court's denial of Akers' temporary restraining order motion. (Doc. #317).

Plaintiff originally filed a motion for a temporary restraining order on August 1, 2011. (Doc. #297). The court denied the TRO motion on August 5, 2011, stating that plaintiff had failed to request specific relief and had not demonstrated a likelihood of success on the merits or a likelihood of irreparable injury. (Doc. #300). Plaintiff then filed a renewed motion for temporary restraining order on August 29, 2011. (Doc. #310). The court again denied plaintiff's motion for temporary restraining order, finding that Akers had not demonstrated a likelihood of success on the merits or a likelihood of irreparable injury. (Doc. #312). Plaintiff then filed the instant motion to reconsider. (Doc. #317).

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1Jv. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also* FED. R. CIV. P. 59(e); FED. R. CIV. P. 60(b).

...

...

1 In this motion, plaintiff has not presented the court with any newly discovered evidence or an  
2 intervening change in controlling law. *See School Dist. No. 1J*, 5 F.3d at 1263. Instead, plaintiff has  
3 reasserted his prior arguments for issuing the TRO. These are not proper grounds for a reconsideration  
4 motion, and plaintiff has failed to meet his burden.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Montgomery Akers'  
7 motion to reconsider (doc. #317) be, and the same hereby is, DENIED.

8 DATED October 4, 2011.

9  
10  
11   
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28